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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPEAL NO.228 OF 2000

The State of Maharashtra).. Appellant

Versus

Sohan @ Sohan Dadhi Behrulal Gupta)
and others).. Respondents

Smt.V.R.Bhosale, Additional Public Prosecutor, for the Appellant.

Ms.R.B.Amrolia with Ms.Y.N.Katpitia for Respondent No.1.

CORAM : V.G.PALSHIKAR, Acg.C.J. &
SMT. NISHITA MHATRE, J.
DATED : 31ST AUGUST 2006

P.C.:

. This Appeal is directed against the order of acquittal recorded on 24th August 1999 by the learned Special Sessions Judge, NDPS, Bombay acquitting all the four accused persons of the charges framed against them under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The main reason given by the learned Judge for acquittal is non-compliance with the provisions of Section 50 of the NDPS Act. Such non-compliance, it is consistently held, is fatal to the prosecution and, therefore, acquittal on that ground cannot be questioned. Hence, Appeal dismissed.

(V.G.PALSHIKAR, Acg.C.J.)

(SMT.NISHITA MHATRE, J.)